

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DEBORAH M. LUMBARD,

Plaintiff,

v.

THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA and
STATE STREET BANK AND TRUST
COMPANY,

Defendants.

C.A. No. 05-CV-11124-PBS

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed.R.Civ.P. 56, plaintiff Deborah M. Lumbard moves for summary judgment on her claim that Prudential Insurance Company of America ("Prudential") wrongfully terminated her long-term disability ("LTD") benefits in violation of the Employee Retirement Income Security Act, 29 U.S.C. § 1132(a)(1)(B). In support of this motion, Mrs. Lumbard has submitted a Memorandum and a Statement of the Undisputed Material Facts

WHEREFORE, this Court should allow Mrs. Lumbard's motion for summary judgment and reinstate her LTD benefits retroactive to October 3, 2002 or remand the matter to Prudential to allow Mrs. Lumbard to submit additional evidence.

DEBORAH M. LUMBARD

By her attorneys,

/s/ James T. Finnigan

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Dated: October 31, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for the other parties by first class mail on October 31, 2005

/s/ James T. Finnigan

James T. Finnigan